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CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877

**MINUTES OF A MEETING OF THE BOARD OF APPEALS
THURSDAY, APRIL 20, 2006**

Chairperson Harvey Kaye called the meeting to order at 7:30 p.m. Members present: Richard Knoebel, Vice Chairperson and Board Members Gary Trojak, Victor Macdonald, and Carol Rieg. Staff present: Caroline Seiden, Planner and Karen Jordan, Recording Secretary.

I. APPROVAL OF MINUTES

Motion was made by Board Member Knoebel, seconded by Board Member Trojak, that the minutes of the February 9, 2006, Board of Appeals meeting be approved, as submitted.

VOTE: 5-0

II. PUBLIC HEARING

A-524 Christine Kirby, Applicant

The petition requests a twenty-one (21) foot variance of the thirty (30) foot rear yard required for structures by Section 24-32(c) of the Zoning Ordinance. This variance is being requested for a house addition in the R-90 (Medium Density Residential) Zone at 22 Maryland Avenue, Lot 77, Realty Park, Gaithersburg, Maryland.

Planner Caroline Seiden stated that the public hearing was advertised in the Gaithersburg Gazette on April 5, 2006, and 25 exhibits were in the record file.

Chairperson Harvey Kaye swore in Mr. Richard Kirby, who would be testifying to the application. Chairperson Kaye explained that variances are handled as a two-step process with the first step dealing with the uniqueness of the property. If the Board finds that the property is unique, then the second step would be for the applicant to show an unreasonable hardship due to the uniqueness of the property.

Mr. Richard Kirby, agent for the applicant, said that the property is unique because of its' shallow depth and that the lot has an additional ten-foot dedication which further constricts upon the buildable depth. The curvature of Maryland Avenue impacted on where the house was originally sited. The house is located further back than most houses in the neighborhood. The addition he is proposing could be accomplished without a variance on most homes in Realty Park, which are about 200 feet deep, compared to his lot which is 100 feet deep on the southern boundary and 120 feet on the northern boundary.

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Ms. Seiden added that when the applicant's lot was sub-divided in 1977, there was an additional 10-foot dedication required in the event Maryland Avenue was ever widened. There have been no street dedications on any other lots on Maryland Avenue. Mr. Kirby referenced Exhibit 5 where it shows an aerial view of the house location. He also noted that there was a previous variance granted for this property in 1978 for a 12-foot deck in the rear yard.

Member Gary Trojak said that the applicant makes a case for uniqueness especially because of the 10-foot dedication required, leaving limited space to the rear of the property. Members agreed that the property does meet the first step of the process dealing with uniqueness.

Motion was made by Board Member Trojak, seconded by Board Member Macdonald, that the property is unique.

VOTE: 5-0

Mr. Kirby said that a variance is being sought to expand the house and construct a family room and sunroom to accommodate daily interaction among family members and to provide circulation space for large gatherings. Plans are to build a landing beyond the sunroom with a set of stairs into the rear yard area which would leave nine feet to the property line. Member Carol Rieg inquired if the location selected was because the design fits in with the existing rooms to which Mr. Kirby answered that it was and it provides an openness and focal point.

Asked about adjacent property owners, Mr. Kirby explained that the house to the right is a single-family dwelling owned by Asbury Methodist Home and it is buffered by a group of arborvitae evergreens. The property at the rear of the house has dense trees and a garage blocking the view between the two houses and Mr. Kirby said that he has received a letter of support from that property owner. He also received a letter of support from the property owner at 20 Maryland Avenue.

Chairperson Kaye inquired if there was a screened-in porch shown in Exhibit 10 to which Mr. Kirby answered that an open, covered porch will remain and is a passageway connecting the garage to the house. He provided a photograph which displays the porch/walkway area (entered into the record as Exhibit 26). Mr. Kaye also asked for a drawing that illustrates the stairs from the covered porch into the rear yard and how they will align with the new addition. Mr. Kirby provided an amended house location plat with the view of the concrete porch and he sketched in the risers (entered into the record as Exhibit 27). He said that the proposed steps will be positioned into the back yard in the direction of the old porch and most useable part of the back yard.

Responding to Chairperson Kaye, Mr. Kirby answered that the concrete porch opened to a passageway going past the powder room and entering the kitchen but noted that it was the only connection between the garage and the house. He had considered expansion of the house to the rear of the porch but determined it was too far from the center portion of the house and would not flow properly into the home.

Member Trojak, although concerned about the 21-foot variance, said the location of the proposed addition was the only option available and that, combined with the neighbor endorsements, he would support the variance request. Member Rieg said the addition will add value to the house and

neighborhood. Member Macdonald agreed that it was a nice design and said he would support the variance especially with the two letters of support from the neighbors.

There was no other testimony presented in favor of or in opposition to the application.

Motion was made by Board Member Trojak, seconded by Board Member Macdonald, to close the record on A-524.

VOTE: 5-0

Motion was made by Board Member Knoebel, seconded by Board Member Macdonald, to approve A-524, the petition request for a twenty-one (21) foot variance of the thirty (30) foot rear yard required for structures by Section 24-32(c) of the Zoning Ordinance. This variance is being requested for a house addition in the R-90 (Medium Density Residential) Zone at 22 Maryland Avenue, Lot 77, Realty Park, Gaithersburg, Maryland, and directed staff to prepare a resolution of approval.

VOTE: 5-0

III. ADJOURNMENT

There being no more business to come before this meeting of the Board of Appeals, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Karen J. Jordan
Recording Secretary